

1  
2  
3  
4  
5  
6  
7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10

11 NORA LUZ SERRATO,

No. C 05-03416 CRB

12 Petitioner,

**ORDER TO SHOW CAUSE**

13 v.

14 SCHELIA A. CLARK, et al.,

15 Respondents.  
16 \_\_\_\_\_/

17 Petitioner, who is incarcerated in the Federal Correctional Institution in Dublin, has  
18 filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. sections 2241 and 2242.  
19 Petitioner claims that respondents' cancellation of the federal government's Shock  
20 Incarceration Program was arbitrary and capricious and deprived her of rights guaranteed to  
21 her under the federal laws and Constitution.

22 A district court shall "award the writ or issue an order directing the respondent to  
23 show cause why the writ should not be granted, unless it appears from the application that the  
24 applicant or person detained is not entitled thereto." 28 U.S.C. § 2243. Summary dismissal  
25 is appropriate only where the allegations in the petition are vague or conclusory, palpably  
26 incredible, or patently frivolous or false. Hendricks v. Vasquez, 908 F.2d 490, 491 (9th Cir.  
27 1990) (quoting Blackledge v. Allison, 431 U.S. 63, 75-76 (1977)).

28 The Court has reviewed the petition and finds good cause to proceed. Accordingly,


1           1.       The Clerk of the Court shall serve by certified mail a copy of this Order and the  
2 petition and all attachments thereto upon the respondents and the respondents' counsel. The  
3 Clerk shall also serve a copy of this Order on the petitioner's counsel.

4           2.       Respondents shall file with this Court and serve upon the petitioner, within  
5 sixty (60) days of the issuance of this Order an answer showing cause why a writ of habeas  
6 corpus should not be issued.

7           3.       If the petitioner wishes to respond to the answer, he shall do so by filing a  
8 traverse with the court and serving it upon the respondents within thirty (30) days of her  
9 receipt of the answer.

10           **IT IS SO ORDERED.**

11  
12  
13 Dated: September 6, 2005

  
\_\_\_\_\_  
CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE

United States District Court

For the Northern District of California